

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DAMONIE EARL, LINDA RUGG, ALESA
BECK, TIMOTHY BLAKEY, JR.,
STEPHANIE BLAKEY, MARISA
THOMPSON, MUHAMMAD MUDDASIR
KHAN, JOHN ROGERS, VALERIE
MORTZ-ROGERS, LAKESHA GOGGINS,
JAMES LaMORTE, BRETT NOBLE,
RUBEN CASTRO, FRITZ RINGLING,
LITUAN LEWIS, and LANCE HOGUE,
JR., each individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE BOEING COMPANY and
SOUTHWEST AIRLINES CO.,

Defendants.

Civil Action No. 4:19-cv-00507-ALM

NOTICE REGARDING UNSEALING FILINGS

Hecht Partners LLP (“Hecht Partners”) respectfully submits this notice in response to the Court’s April 20, 2021 order (Dkt. #411), which invited filings explaining why Dkt. #116, the *ex parte* facsimile from Andrew Williamson, former co-counsel on this case, should remain sealed, and Pierce Bainbridge’s (“PB’s”) Notice (Dkt. #420).

At the outset, Hecht Partners agrees with PB that Dkt. #116, on its own, does not fairly present all of the arguments and supporting documents submitted to this Court and apparently of interest to the public. *See, e.g.*, Dkt. #134 (PB’s Supplemental Response, filed under seal). All documents relating or responding to Mr. Williamson’s submission (*e.g.*, Dkt. #134 and attachments) ought to be made available to the public. However, the sealed responsive filing at Dkt. #134 contains personal, medical information about counsel and their family members bouts

with COVID-19 (supporting counsel’s argument that the motion to withdraw submitted by Williamson was filed during a tumultuous period) —*which should not be unsealed*. Rather, the Court should order PB to submit a redacted, public copy of Dkt. #134.

I. LEGAL STANDARD

“Public access [to judicial records] serves to promote trustworthiness of the judicial process, to curb judicial abuses, and to provide the public with a more complete understanding of the judicial system, including a better perception of its fairness.” *Oldendorff Carriers GmbH & Co., KG v. Grand China Shipping (Hong Kong) Co.*, No. CA C-12-074, 2013 WL 1867604, at *4 (S.D. Tex. Apr. 22, 2013) (internal citations omitted).

II. ARGUMENT

The Court’s order was prompted by a media request to “unseal certain records filed” in the instant action (Dkt. #408), which the Court has construed as a letter motion to unseal. Dkt. #411. The Court recognized that it “must also consider any interests favoring nondisclosure.” *Id.* The only reason *not* to unseal Dkt. #116 is if the entire related record is not made publicly available (*e.g.* Dkt #134).

The public’s interest in being aware of the conduct of the attorneys practicing before the courts of the United States is a fundamentally important one. A complete record of that conduct, rather than a selective disclosure of partial details, is the appropriate method of promoting that interest. *See Accord Chrimar Sys., Inc. v. Alcatel-Lucent USA, Inc.*, 2016 WL 116759, at *1 (E.D. Tex. Jun. 22, 2016) (“[T]he disclosing party cannot waive privilege as to documents that support its position, but maintain privilege over documents that do not.”).

Counsel’s response to Mr. Williamson’s *ex parte* facsimile (Dkt. #134), with accompanying declarations and exhibits, was filed under seal as a professional courtesy to Mr.

Williamson. As such, the public lacked access to that response (as well as sworn declarations from three other attorneys and a paralegal) refuting the allegations against undersigned counsel asserted in Mr. Williamson’s public notice (Dkt. #100).¹ If Mr. Williamson’s *ex parte* facsimile is unsealed, the public should also have access to counsel’s response (however, given the personal, medical information contained in that filing, Dkt. #134 should not be unsealed outright). Accordingly, the Court should order the filing of a redacted, public version of that response (Dkt. #134) and accompanying materials.

In contrast to the professional courtesy extended to Mr. Williamson, Bathaee Dunne LLP (“BD”) filed a belated public, redacted version (Dkt. #232) of an under-seal brief it had filed weeks earlier (Dkt. #106), after the sealed brief had already been posted and circulated on the internet (allegedly due to a filing error). *See* Dkt. #240. Indeed, this filing also “caught [the] attention” of the press (Dkt. #408), as BD left salacious portions of its brief unredacted which described that undersigned counsel allegedly “deceived” clients, and even attached unredacted portions of client deposition transcripts to its public filing. *Id.* Given the apparent interest in these allegations (*see* Dkt. #408), the public should have access to *all* related filings—which would include Hecht Partners’ Motion to Withdraw or Compel Cooperation (Dkt. #176). That Motion details the circumstances by which Hecht Partners (operating as a then-successor-in-interest to a co-counsel agreement between PB and BD) were prevented from communicating with their clients, which apparently resulted in some clients erroneously feeling “deceived.” Dkt. #176. The Motion addressed these issues, and attached relevant exhibits demonstrating that BD directed Hecht not to contact his own clients and then proceeded to communicate with them, including *about* Hecht,

¹ Dkt. #100 was also cited by the reporter requesting to view the related *Ex Parte* Submission (Dkt. #408).

without including him; the exhibits also include deposition transcripts reflecting clients' sworn deposition testimony about these issues (*e.g.*, Plaintiff Damonie Earl's testimony that he stopped believing BD and Hecht were on the same team when he received an email from BD). Accordingly, Dkt. #176 should also be unsealed.

III. CONCLUSION

The Court should unseal Dkts. #116, #176, and order a redacted, public version of Dkt. #134 to be filed, to permit access *all* relevant records to the public.

Date: April 27, 2021

Respectfully submitted,

/s/David L. Hecht

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service were served with a copy of this document through this Court's CM/ECF system and pursuant to the local rules on April 27, 2021.

/s/David L. Hecht

David L. Hecht